

# RECLAMATION

*Managing Water in the West*

**Final Environmental Assessment**

## **Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows**



**U.S. Department of the Interior  
Bureau of Reclamation  
Mid Pacific Region  
Sacramento, California**

**March 2012**

## **Mission Statements**

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to Indian Tribes and our commitments to island communities.

The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

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# List of Acronyms and Abbreviations

AEWSD	Arvin-Edison Water Storage District
AF	acre-feet
APE	Area of Potential Effects
BO	Biological Opinion
CAA	Clean Air Act
CFR	Code of Federal Regulations
cfs	cubic-feet per second
CVC	Cross Valley Canal
CVP	Central Valley Project
CVPIA	Central Valley Project Improvement Act
DMC	Delta-Mendota Canal
DWR	Department of Water Resources
EA	environmental assessment
EA/IS	Environmental Assessment/Initial Study
EFH	Essential Fish Habitat
ESA	Endangered Species Act
FID	Fresno Irrigation District
FKC	Friant-Kern Canal
FONSI	Finding of No Significant Impact
FWCA	Fish and Wildlife Coordination Act
FWUA	Friant Water Users Authority
GHG	green house gases
ITA	Indian Trust Assets
LTRID	Lower Tule River Irrigation District
MBTA	Migratory Bird Treaty Act
National Register	Nation Register of Historic Places
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NRDC	National Resources Defense Council
NWR	National Wildlife Refuge
OCID	Orange Cove Irrigation District
Reclamation	Bureau of Reclamation
Settlement	Stipulation of Settlement in <i>NRDC, et al., v. Kirk Rodgers, et al.</i>
SJRRP	San Joaquin River Restoration Program
SJVAB	San Joaquin Valley Air Board
SJVAPCD	San Joaquin Valley Air Pollution Control District

SLR	San Luis Reservoir
SWP	State Water Project
SWRCB	State Water Resources Control Board
TLBWSD	Tulare Lake Basin Water Storage District
TID	Tulare Irrigation District
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
WY	Water Year

## Definitions

**Central Valley Project (CVP):** U.S. Bureau of Reclamation federal water project in California that was originated in 1933 to provide irrigation and municipal water by regulating and storing water in reservoirs and delivering it via a series of canals and pumping facilities throughout the Central Valley. The CVP also provides energy generation and flood control.

**Class 1 Water:** The supply of water stored in or flowing through Millerton Lake which, subject to the contingencies described in the water service or repayment contracts, will be available for delivery from Millerton Lake and the Friant-Kern and Madera Canals as a dependable water supply during each Contract Year.

**Class 2 Water:** The supply of water which can be made available subject to the contingencies described in the water service or repayment contracts for delivery from Millerton Lake and the Friant-Kern and Madera Canals in addition to the supply of Class 1 water. Because of its uncertainty as to availability and time of occurrence, such water will be undependable in character and will be furnished only if, as, and when it can be made available.

**Friant Division:** The combined CVP facilities of Friant Dam, Millerton Lake, Friant-Kern Canal, and Madera Canal that are used to store, deliver, transport, and deliver Project Water to the Friant Division Service Areas.

**Friant Division Service Area:** The area within which CVP water may be served to Friant Division water users as defined by project authorizations and the State Water Resources Control Board.

**Long-Term Contractors:** All parties who have water service or repayment contracts for a specified quantity of Class 1 and/or Class 2 water from the Friant Division of the CVP with the United States pursuant to Federal Reclamation law.

**Project Water:** All water that is developed, diverted, stored, or delivered for the benefit of the Friant Division Service Area available in accordance with the statutes authorizing the Friant Division, and in accordance with the terms and conditions of water rights permits acquired pursuant to California Law.

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# Section 1 Introduction

Pursuant to the National Environmental Policy Act, the Department of the Interior, Bureau of Reclamation (Reclamation) is preparing this Final Environmental Assessment for the Recirculation of Recaptured Water Year 2012 (Final WY 2012 Recirculation EA or Final EA) San Joaquin River Restoration Program (SJRRP) Interim Flows (Proposed Action). This Final EA is being prepared to analyze the impacts to the human environment from recirculating recaptured WY 2012 Interim Flows. Because Interim Flows and their associated actions are directly related to the Proposed Action, this Final EA incorporates by reference the entire environmental impact assessment performed in the *Water Year 2012 Interim Flows Project Draft Supplemental Environmental Assessment* (WY 2012 Draft Interim Flows SEA), *Water Year 2012 Interim Flows Project Final Supplemental Assessment* (WY 2012 Final Interim Flows SEA), and Finding of No Significant Impact (FONSI).

## 1.1 Overview of the Final WY 2012 Recirculation EA

The National Environmental Policy Act (NEPA) requires that an EA include the need for the proposed action, the proposed action and alternatives, the probable environmental impacts of the proposed action, and the agencies and persons consulted during the preparation of the EA. Reclamation policy states that the public draft EA and FONSI is placed on the Reclamation NEPA database and a press release is sent to notify the public of the comment period for the document. The Final WY 2012 Recirculation EA includes all comments received on the Draft Environmental Assessment for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows (Draft WY 2012 Recirculation EA) and the responses to those comments. The Final WY 2012 Recirculation EA also includes clarifications to text in the Draft WY 2012 Recirculation EA based on comments received during the comment period in the form of an errata. The Final WY 2012 Recirculation EA serves as the factual support document for the conclusions in the corresponding FONSI.

This Final EA is composed of two documents: the Draft WY 2012 Recirculation EA and this Final WY 2012 Recirculation EA. The Draft WY 2012 Recirculation EA was available for public review on February 3, 2012 and a notice was sent to potentially interested parties for a 21-day public review period that closed on February 24, 2012. This Final WY 2012 Recirculation EA contains a list of commentors on the Draft WY 2012 Recirculation EA and their comment letters. Both volumes of the Draft and Final WY 2012 Recirculation EAs must be read together. This Final WY 2012 Recirculation EA does not repeat the information in the Draft WY 2012 Recirculation EA.

Section 1503.4, Response to Comments, of the Council on Environmental Quality's (CEQ) Regulations on Implementing NEPA, states that if changes in response to comments are minor and are confined to making factual corrections or an explanation of why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's position, then the agencies may write them on errata sheets and attach them to the statement instead of rewriting the draft statement. Further, any revisions made to the text do not change the overall environmental impacts released in the document. In such cases only the comments, the responses, and the changes and not the final statement need to be circulated. As

no substantive comments were received related to modification of alternatives or impacts, development and evaluation of alternatives not previously given serious consideration by the agency, or suggestions on improvements or modifications to existing analysis in the document (NEPA CEQ Regulation 1503(a)), the responses to comments are provided in Section 3, and the Draft WY 2011 Recirculation EA is incorporated by reference in its entirety into this Final WY 2012 Recirculation EA.

Additionally, Section 1502.9 (b), Draft, Final, and Supplemental Statements of the CEQ NEPA Regulations states “Final environmental impact statements shall respond to comments as required in Part 1503 of this chapter. The agency shall discuss at appropriate points in the final statement any responsible opposing view which was not adequately discussed in the draft statement and shall indicate the agency’s response to the issues raised.” Section 1502.9 (c) goes on to state “Agencies: 1) Shall prepare supplements to either the draft or final environmental impact statement is: (i) The agency makes substantial changes in the proposed action that are relevant to environmental concerns; or (ii) There are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts.” A supplemental document or recirculation of the Draft WY 2012 Recirculation EA has not occurred because no comments posed or options presented in this Final WY 2012 Recirculation EA have been shown to have a bearing or change on the environmental impact findings of the Proposed Action.

## Section 2 Comments

This section contains copies of comment letters received from agencies and organizations. Table 2 indicates the commenting entity and abbreviation used to identify commentors. Individual comments within a comment letter are delineated by the abbreviation and sequential number (e.g., SLDMWA-1). Responses to comments are provided in Section 3 – Responses to Comments and are numbered corresponding to the numbers assigned in the letter. Modifications to the Draft WY 2012 Recirculation EA made in response to comments are included in Section 4 of this Final WY 2012 Recirculation EA (the Errata Section of the document).

**Table 2:  
Summary of Comment Letters Received and  
Abbreviations Used to Identify and Respond to Comments**

<b>Abbreviation</b>	<b>Agency</b>	<b>Affiliation</b>
SLDWMA*	San Luis & Delta-Mendota Water Authority	Local Agency
SJREC*	San Joaquin River Exchange Contractors Water Authority	Local Agency
AEWSD	Arvin Edison Water Storage District	Local Agency
FWA	Friant Water Authority	Local Agency
GWD/DFG/FWS	Grasslands Water District, California Department of Fish and Game, and U.S. Fish and Wildlife Service	Local, State, and Federal Agencies
DWWT	Dumna Wo Wah Tribe	Native American Tribe
* Information and attachments included with these comments are included as alphabetical attachments to this document.		

## 2.1 Comments from San Luis & Delta Mendota Water Authority

Brownstein | Hyatt  
Farber | Schreck

February 24, 2012

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VIA E-MAIL (MBANONIS@USBR.GOV) & FIRST CLASS MAIL

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**RE: Draft EA/FONSI for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows**

Dear Ms. Banonis:

The San Luis & Delta-Mendota Water Authority (Authority) is frustrated by the United States Bureau of Reclamation's (Reclamation) continued failure to completely describe and analyze the impacts of the San Joaquin River Restoration Program (SJRRP), consistent with the mandates of the National Environmental Policy Act (NEPA).

By letters dated July 16, 2010 and March 25, 2011, the Authority commented on prior environmental documents prepared for recirculation of recaptured SJRRP flows for Water Years 2010 and 2011. At those times, the Authority expressed significant concern with Reclamation's failure to adequately describe the proposed action; particularly Reclamation's failure to finalize its plan for recirculation, recapture, reuse, exchange or transfer of interim flows (Recapture and Recirculation Plan), as required under section 10004 of the San Joaquin River Restoration Settlement Act (Settlement Act) and section 16(a) of the Stipulation of Settlement in *Natural Resources Defense Council, et al. v. Rodgers, et al.*, Case No. S-88-1658, United States District Court, Eastern District of California (Friant Settlement). In those prior letters, the Authority also expressed concern that Reclamation segmented its analysis of the proposed action, in part, by analyzing the flow component and the recirculation and recapture component of the SJRRP in separate documents. In spite of the Authority and others drawing Reclamation's attention to these defects and the fact that the SJRRP is now in its third year of implementation, Reclamation has not made a sufficient effort to rectify previously existing defects. The draft environmental assessment for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows (Draft EA) contains the same legal inadequacies.<sup>1</sup> As a result, the draft finding of no significant impact (Draft FONSI) for the Draft EA lacks adequate support.

<sup>1</sup> The Authority hereby incorporates herein its prior comment letters, dated July 16, 2010 and March 25, 2011, attached hereto as Exhibits A and B.

SLDMWA-1

**I. Reclamation Has Improperly Segmented The Flow Component From The Recirculation Component Of The SJRRP**

The proposed action, at a minimum, is the implementation of the SJRRP during Water Year 2012.<sup>2</sup> The SJRRP includes two components: (1) Reclamation releasing water from Friant Dam to meet the "interim flow" schedule and (2) Reclamation recapturing and recirculating those flows for the benefit of Friant Division long-term contractors. There is no recirculation of water without the interim flows. Reclamation's decision to bifurcate environmental review of the interim flows component and the recirculation component of the SJRRP amounts to segmentation of the action, which is impermissible under NEPA.

NEPA prohibits agencies from segmenting a major federal action into smaller components to avoid the application of NEPA or the preparation of a more detailed assessment of the environmental effects of the overall action. (*Coal. on Sensible Transp., Inc. v. Dole*, 826 F.2d 60, 68 (D.C. Cir. 1987) (*citing Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 298 (D.C. Cir. 1987).) "Segmentation is to be avoided in order to insure that interrelated projects, the overall effect of which is environmentally significant, not be fractionalized into smaller, less significant actions." (*Town of Huntington v. Marsh*, 859 F.2d 1134, 1142 (2nd Cir. 1988) (*citing Taxpayers Watchdog, Inc. v. Stanley*, 819 F.2d 294, 298 (D.C. Cir. 1987).) The Council on Environmental Quality's NEPA Regulations contain detailed requirements pertaining to the scope of actions, including that an environmental document must consider "connected actions" and "cumulative actions." (40 C.F.R. § 1508.25.)

As was the case in Water Years 2010 and 2011, the provision of interim flows and the recirculation of those flows in Water Year 2012 are connected. The interrelated nature of the interim flows and the recirculation of that water is described by Reclamation in the Draft EA: "Interim Flows and their associated actions are directly related to the availability of water for recirculation back to the Friant Division long-term contractors . . . ." (Draft EA, pp. 6-7.) The two components result from a single settlement agreement and a single act of Congress. Due to the connected nature of the two components, and Reclamation's continued analysis of the impacts of releasing interim flows separate from the impacts of recirculating those interim flows, Reclamation has unlawfully segmented its analysis of impacts caused by implementation of the SJRRP during Water Year 2012. Accordingly, the Draft EA and Draft FONSI do not meet minimum standards set by NEPA.<sup>3</sup>

Reclamation may argue that it cures the segmentation defect by incorporating by reference the *Supplemental Environmental Assessment, Interim Flows Project – Water Year 2012* and the *Final Supplemental Environmental Assessment, Interim Flows Project – Water Year 2012* and related FONSI. (Draft EA, pp. 6-7.) However, that argument fails because Reclamation does not use the analyses from those prior documents in the Draft EA. Reclamation merely references those documents without explaining how the analyses in those prior documents affect the analysis in the Draft EA and Draft FONSI. Such an approach violates both the spirit and letter of NEPA. (*See City of Carmel-By-The Sea v. United States DOT*, 1998 U.S. Dist. LEXIS 21441 (N.D. Cal. 1998).)

SLDMWA-2

**II. Draft EA And Draft FONSI Fail To Provide A Complete And Accurate Description Of The Project**

The Draft EA and Draft FONSI do not completely and accurately describe the proposed action. This is another fatal defect. An accurate project description is necessary to ensure the proposed

<sup>2</sup> Strong arguments exist, as the Authority has previously presented, that the proposed action is interim and long-term implementation of the SJRRP.

<sup>3</sup> Another example of Reclamation's impermissible segmentation of the SJRRP is discussed below in section II(B).

SLDMWA-2 Cont.

action's environmental impacts are accurately disclosed and analyzed. (See 40 C.F.R. §§ 1502.13, 1502.14, 1502.16.) It provides decisionmakers, and the public, with a clear basis for choice among options (i.e., the proposal and alternatives). (40 C.F.R. § 1502.14.) Development of an accurate project description facilitates NEPA's intent to require "coherent and comprehensive up-front environmental analysis to ensure informed decision making" and to ensure "the agency will not act on incomplete information." (*Churchill County v. Norton*, 276 F.2d 1060, 1072-1073 (9th Cir. 2001) (citing *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir.1998)).) A clear, accurate description of the action also provides assurance to the public that the agency has considered all environmental concerns in the decisionmaking process. (*Kern v. United States Bureau of Land Management*, 284 F.3d 1062, 1066 (9th Cir. 2002).)

SLDMWA-3

A. Reclamation Has Not Completed The SJRRP Recapture and Recirculation Plan

Reclamation has not completed a critical component of the SJRRP. It has not finalized the Recirculation and Recapture Plan. The Recirculation and Recapture Plan will define, among other components of the proposed action, the criteria to determine the volume of flows available for recapture, the facilities at which the water be will recaptured, and the priority of use for those facilities. Prior to completion of the Recirculation and Recapture Plan, Reclamation cannot fully and adequately describe all components of the proposed action and has not done so in the Draft EA. Indeed, Reclamation has acknowledged the incomplete nature of the Recirculation and Recapture Plan. By letter dated February 2, 2012, and attached hereto as **Exhibit C**, Reclamation transmitted to State Water Resources Control Board an incomplete draft of the Recirculation and Recapture Plan. The February 2 letter indicates there are several "critical items" outstanding that must be resolved before the plan can be completed. The letter further states Reclamation expects to "complete the Plan by August 1, 2012." Without the details that will be provided in the Recirculation and Recapture Plan, Reclamation cannot adequately support the conclusions and findings made in the Draft EA and Draft FONSI.

SLDMWA-4

B. Other Critical Elements Of The Proposed Action Remain Undefined

Other elements of the Draft EA project description are sorely lacking in specificity. The Draft EA provides only the general parameters within which the proposed action will occur, without providing concrete details regarding how various elements will be carried out. The Draft EA merely provides that recaptured flows could be available to Friant contractors "as a result of exchanges with other Friant or non-Friant contractors" or that Friant contractors could "take delivery of recaptured water made available in SOD Facilities via a transfer with any of the Friant contractors." (Draft EA, pp. 12-13.) Noticeably absent from the description and therefore the analysis of its impacts of the propose action are the following:

- Descriptions of the deliver of recaptured water to each Friant Division contractor, including the quantity of water that will be delivered to each contractor, the facilities that will be used to make that delivery, and the timing of each delivery, and
- Descriptions of the exchanges or transfers that will occur, including, for each exchange and transfer, where the water will be used (for example, how will north of Delta contractors be involved in exchanges or transfers), the quantity of water involved, the facilities that will be used, and the timing when water will move.<sup>4</sup>

<sup>4</sup> The Draft EA describes exchanges very generally, indicating that exchange under the SJRRP may extend beyond Water Year 2012, but not beyond Water Year 2017. (Draft EA, p. 12.) However, it provides no information regarding why exchanges will occur over this extended time period or how such exchanges will be structured.

**SLDMWA-5**

These deficiencies in the project description, as well as another example of segmented analysis of impacts caused by the SJRRP, are demonstrated by the February 22, 2012, draft environmental assessment and initial study Reclamation prepared for the "Arvin-Edison Water Storage District and Metropolitan Water District 12-Month Water Exchange Project" (Exchange Project), a copy of which is attached hereto as **Exhibit D**. In that document, which is currently available for review and public comment, Reclamation proposes an action that would facilitate the exchange/transfer of up to 100,000 acre-feet of recaptured SJRRP water. (See Draft EA/IS for the Exchange Project, Section 2, p. 2.) However, the Draft EA does not describe the Exchange Project.

**SLDMWA-6**

Another example of the deficiencies in the project description relates to an element of the proposed action that has not been proposed in prior years – the delivery of water to Friant Division Contractors before SJRRP water is recaptured. The Draft EA explains:

Through this mechanism, a calculation of the amount of water that is expected to be recaptured in SOD Facilities during peak Interim Flows would occur and would take into consideration water year type, channel capacity constraints, and operational criteria.

(Draft EA, p. 12.) The Draft EA appears to recognize the delivery of water prior to recapture places other water users at significant risk, and the Draft EA attempts to reduce that risk by explaining: "coordination would ensure that Reclamation's obligations to deliver water to other contractors, wildlife refuges, and other requirements would not be adversely impacted." (*Id.*) This general statement, while positive and appreciated by the Authority, is not sufficient. The Draft EA must provide more. The proposed action must describe how Reclamation will implement the proposed action without redirecting impacts. Coordination alone may not avoid adverse impacts resulting from reductions in the quantity or changes in the timing of water deliveries. The delivery of water prior to recapture could cause a re-operation of the San Luis Reservoir that impairs Reclamation's ability to deliver water to the Authority's member agencies.

As Reclamation is well aware, the San Luis Reservoir is one of California's largest reservoirs and a critical component of the Central Valley Project and State Water Project. Each year, water from Sacramento-San Joaquin River Delta is delivered to the San Luis Reservoir via the California Aqueduct and Delta-Mendota Canal for storage. This water is subsequently released, in part, for use by the Authority's member agencies. San Luis Reservoir "low point," which generally occurs in late summer, is an issue of operational concern that is addressed annually. Steps are taken as much as possible to avoid low point issues. When water levels in San Luis Reservoir reach low levels water quality becomes an issue due to algal blooms and the water becomes unsuitable for agricultural water users with drip irrigation systems and for municipal and industrial water users due to their inability to treat the water.

Advance delivery of water under the proposed action has the potential to increase the occurrences of San Luis Reservoir reaching its low point earlier in the year. Those results could occur from implementing the proposed action, for example, if Reclamation were to release water from San Luis Reservoir prior to low point that is not "replaced" until after low point or that would never have been released prior to low point. This concern is not hypothetical. Other than the general statement quoted above, nothing in the description of the proposed action would preclude Reclamation from releasing water from San Luis Reservoir with the hope that "debt" would be subsequently repaid with the recapture of water available under the SJRRP. Likewise, other than the general statement quoted above, nothing in the proposed action would preclude Reclamation from releasing water from San Luis Reservoir prior to low point that, absent the proposed action, would not be released until after San Luis Reservoir low point. The Draft EA must include in the description of the proposed action an explanation

SLDMWA-6 Cont.

of how Reclamation will avoid adverse changes in the quantity and timing of water deliveries to the wildlife refuges and contractors other than those within the Friant Division.

**III. Draft EA Fails To Identify And Analyze Impacts Of The Proposed Action**

SLDMWA-7

NEPA requires discussion and analysis of the environmental impacts of the proposed action and any alternatives, including any unavoidable adverse environmental effects. (40 C.F.R. § 1502.16.) The Settlement Act similarly requires Reclamation to identify the impacts associated with proposed actions under the SJRRP. (See Settlement Act, § 10004(d)(1).) Due to the incomplete nature of the project description and the segmentation of the analysis of the SJRRP, as described above, potential environmental impacts of the proposed action are not identified or analyzed in the Draft EA. Simply put, the Draft EA cannot consider impacts of components of the proposed action that are not identified or completely described therein. Evidence of the inadequate impacts analysis is the fact that, of the 73 pages that comprise the Draft EA, only 10 pages are dedicated to discussion of the proposed action's impacts – a proposed action that involves the recapture, recirculation, exchange and transfer of up to 260,000 acre-feet of water.

In sum, before Reclamation can implement the proposed action, it must be able to completely and accurately describe the proposed action. Without a clear and accurate description of the proposed action, Reclamation has not and cannot identify the environmental impacts of the proposed project or make necessary conclusions and findings.

Sincerely,



Jon D. Rubin

cc: Daniel Nelson, Executive Director, San Luis & Delta-Mendota Water Authority

**Exhibit A** – July 16, 2010 Comment Letter  
**Exhibit B** – March 25, 2011 Comment Letter  
**Exhibit C** – February 2, 2012 Letter to State Water Board  
**Exhibit D** – February 2012 EA/IS

## 2.2 Comments from San Joaquin River Exchange Contractors Water Authority and San Joaquin River Resource Management Coalition



Consisting of 240,000 acres on the Westside of the San Joaquin Valley

February 24, 2012

**JAMES E. O'BANION**  
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**ROY CATANIA**  
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RE: *Comments to Draft EA and Draft Finding of No Significant Impact (FONSI), Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows*

Dear Michelle:

Below you will find the San Joaquin River Exchange Contractors Water Authority's (Exchange Contractors) comments on the Draft EA and Draft Finding of No Significant Impact (FONSI), Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows.

**SJREC-1**

We request that you incorporate the in your document the mitigation measures that are contained in the February 21, 2012, letter agreement between the Exchange Contractors, the San Luis& Delta Mendota Water Authority, and Arvin-Edison Water Storage District and is attached to these comments.

**SJREC-2**

On Page 6: The "purpose and need" for action set forth on page 6 appears to be incomplete. The water management goal is stated as limited to avoiding adverse water supply impacts on all Friant Division long-term contractors "that may result from the interim flows and restoration flows provided for in the settlement." The purpose and need for action statement ignores the fact that the San Joaquin River Restoration Act by its very terms provides that there shall be no adverse water supply impact to the San Joaquin River Exchange Contractors from Interim Flows or Restoration Flows. The narrow way in which the water management goals are described in the "Purpose and Need" section is counter to the terms of the Act. In addition, the Act provides specific protection for landowners from seepage, flooding or similar impacts. To narrowly look at

Ms. Michelle Banonis

RE: ***Comments to Draft EA and Draft Finding of No Significant Impact (FONSI), Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows SBR Permit Terms for the Transfer of Water for the 2011 SJRRP***

February 24, 2012

Page 2

SJREC-2 Cont.

the issue of whether Interim Flows can be transferred or transported to other users without looking at the full scope of water management as contemplated by the Act is inappropriate and improperly narrows the analysis of impacts and potential mitigation measures.

We think the “Purpose and Need” statement should be substantially expanded and the Environmental Assessment so expanded to include the Covenants and Restrictions so that the Bureau is binding itself to avoid water supply impacts on not only the Friant Division Contractors, but on the landowners along the San Joaquin River, the water suppliers who use the waters of the San Joaquin River and substitute or exchange waters, and the San Luis & Delta-Mendota Water Authority users.

We believe this expansion of the “Purpose and Need” and of the Environmental Assessment could be accomplished rapidly without causing any undue delay at potential implementation of the transfer, and the failure to provide for that expansion and the correction of the scope at this date could lead to “bad habits” in regard to future Environmental Assessments or examinations.

SJREC-3

Page 7: Paragraph 16 of the Settlement Agreement is described on page 8. Unfortunately, the Environmental Assessment takes a very narrow view of the water management goal and fails to point out that Paragraph 3 of 16.A. requires: “. . . a plan for recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows . . . be developed and implemented in a manner that does not adversely impact the Secretary’s ability to meet contractual obligations existing as of the effective date of this settlement.”

There seems to be a presumption that water released from Friant Dam is “automatically recirculation water.” In fact, the existing Purchase Agreement and Purchase Contract between the Exchange Contractors and the Bureau of Reclamation provides that water released from Friant Dam is water available to the Exchange Contractors for diversion under the terms of the Exchange Contract and the Purchase Contract for use by the Exchange Contractors.

SJREC-4

Page 12: There should be no reference to “advanced delivery of recaptured water.” On page 12, the phrase “the proposed action could also provide an option to advance delivery of recaptured water year 2012 Interim Flows. Through this mechanism, a calculation of the expected amount of water recapture South of Delta facilities during peak Interim Flows would occur and would take into consideration the water year type, channel capacity constraints, and operational criteria. This quantity of water would be made available in advance of recapture of water year 2012 Interim Flows in South of Delta facilities.”

This Environmental Assessment would have to explain all of the potential negative and adverse impacts to all water supply customers, and would have to identify all environmental conditions,

Ms. Michelle Banonis

RE: ***Comments to Draft EA and Draft Finding of No Significant Impact (FONSI), Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows SBR Permit Terms for the Transfer of Water for the 2011 SJRRP***

February 24, 2012

Page 3

SJREC-4 Cont.

including species harm that could arise from potential advance delivery of water labeled as recaptured. The operation of South of Delta facilities through San Luis Reservoir, Delta-Mendota Canal, and with the precarious levee situation in the Sacramento/San Joaquin Delta, is all sufficiently complex that if there was any "advance delivery of credited amounts" Reclamation would have to describe the potential harm of using water from other allocations of CVP uses because pre-delivery occurred and what mitigation measures would be employed. Reclamation has not done so in this Environmental Assessment and therefore your Environmental Assessment will be insufficient.

We look forward to your response and please call should you have any questions and/or comments.

Sincerely,



Steve Chedester

cc: San Joaquin River Exchange Contractors Water Authority Board Members

Attachment

## 2.3 Comments from Arvin Edison Water Storage District

### ARVIN-EDISON WATER STORAGE DISTRICT

PRESIDENT  
HOWARD R. FRICK

VICE PRESIDENT  
EDWIN A. CAMP

SECRETARY-TREASURER  
JOHN C. MOORE

ENGINEER-MANAGER  
STEVEN C. COLLUP

ASSISTANT MANAGER  
DAVID A. NIXON

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DIVISION 4  
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EDWIN A. CAMP

DIVISION 7  
CHARLES FANUCCI

DIVISION 8  
DONALD VALPREDO

DIVISION 9  
KEVIN E. PASCOE

February 24, 2012

Via Electronic Mail: [mbanonis@usbr.gov](mailto:mbanonis@usbr.gov) and [mmanzo@usbr.gov](mailto:mmanzo@usbr.gov)

Michelle Banonis  
Mario Manzo  
U.S. Department of the Interior  
BUREAU OF RECLAMATION  
2800 Cottage Way, MP-170  
Sacramento, CA 95825

**Re: Draft Environmental Assessment (EA) and Draft Findings of No Significant Impact (FONSI) – Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program (SJRRP) Interim Flows**

Dear Michelle and Mario:

Thank you for the opportunity to provide comments on the subject matter. As you are aware, Arvin-Edison Water Storage District (AEWSD or District) is substantially impacted by the SJRRP, and subsequently, has significant interest in the various provisions intended to mitigate impacts, including, but not limited to, Recirculation programs. Our comments upon review of the EA/FONSI, and subsequent discussions with Reclamation staff, are as follows:

The EA covers a wide range of activities and programs that will greatly increase the opportunities for AEWSD to put its share of the Recirculation Water to beneficial use and the District greatly appreciates not only Reclamations efforts, but also the timeliness. Due to the Reclamation having a timely EA, districts now have the better part of the water year to effect potential programs for Recirculation Water.

**Water Quality:** One of AEWSD's remaining primary concerns is that of potential water quality impacts to our Friant supply. AEWSD understands the current Recirculation Plan does not allow for the physical discharge of California Aqueduct/Cross Valley Canal water into the Friant-Kern Canal (FKC) from the following statement:

"The Proposed Action does not cover the direct discharge of water from SOD Facilities into the FKC. If discharge of water from SOD Facilities into the FKC is proposed as a recirculation option for recaptured WY 2012 Interim Flows, it would require further review."

**AEWSD-1**

AEWSD-1 Cont.

If and when Reclamation analyses the impacts of discharges into the FKC from the CVC, we believe an EIS is the appropriate environmental documentation. We also note that Reclamation now cites the water quality in the Friant-Kern system as "good" whereas previous EA's cite the water quality as "pristine." Please explain why Reclamation has apparently downgraded the water quality in the Friant-Kern system, which is some of the highest quality water in the State.

AEWSD-2

**Contractor List:** Some Kern County Water Agency member districts were not included in the Table but they are mentioned in the write-up. The Table should include ALL applicable districts.

AEWSD-3

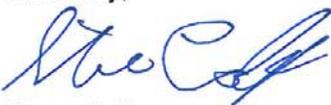
**Limits on Recirculation Water:** The EA proposes that Recirculation Water allocated to a district, when taken with their contract supplies, will be capped at the contract total for each district in 2012. While this may be acceptable for this year, as the SJRRP is still in its infancy, that restriction is not in fact consistent with the San Joaquin River Settlement Act. The recirculation of recaptured water, like the availability of RWA water, or benefits from Section III funding, is not intended to just fill contract totals, but instead is intended to mitigate for past (or future) impacts, whether those impacts were incurred in the present year or previous years. Subsequently, once the accounting for unmitigated impacts is adopted and in-effect, the only limit to accepting Recirculation Water should be to the extent unmitigated losses remain on a district's account.

AEWSD-4

**PWRPA Members:** One significant edit is to the last paragraph of the AEWSD description. AEWSD is a member of the Power and Water Resources Pooling Authority (PWRPA) comprised of 15 districts and while many are already incorporated in the draft EA, we request that all members be incorporated as potential agencies of receiving Recirculation Water. In this regard, Reclamation specifically excludes Sonoma County Water Agency because "...it is not within the CVP place-of-use." However, the EA does include some SOD agencies (MWD and some in Kern County) which are also outside the CVP place-of-use. Therefore, we request that Sonoma County Water Agency also be included in the NOD list.

Please provide a written response, if the above mentioned understanding is inaccurate and/or not applicable. Thank you, and please call or email with any questions, comments or concerns.

Sincerely,

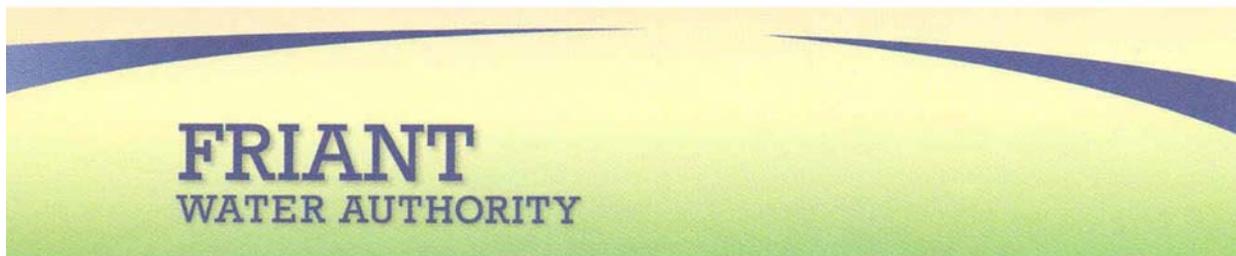


Steve Collup  
Engineer Manager

cc: Jeevan Muhar, Staff Engineer  
Ernest Conant, Esq.  
Mike Day, P&P

SCC:JSM:sj\AEWSD\USBR\Envir.Docs\AE.Comments.2011.EA.Recirculation.Plan.02.12.doc

## 2.4 Comments from Friant Water Authority



Harvey A. Bailey  
*Chairman of the Board*

Nick Canata  
*Vice Chairman*

Tom Runyon  
*Secretary/Treasurer*

Ronald D. Jacobsma  
*General Manager*

Jennifer T. Buckman  
*General Counsel*

Member Agencies  
*Arvin-Edison W.S.D.*  
*Delano-Earlimart I.D.*  
*Exeter I.D.*  
*Fresno I.D.*  
*Ivanhoe I.D.*  
*Kaweah Delta W.C.D.*  
*Kern-Tulare W.D.*  
*Lindmore I.D.*  
*Lindsay-Strathmore I.D.*  
*Lower Tule River I.D.*  
*Madera I.D.*  
*Orange Cove I.D.*  
*Pixley I.D.*  
*Porterville I.D.*  
*Saucelito I.D.*  
*Shafter-Wasco I.D.*  
*Stone Corral I.D.*  
*Tea Pot Dome W.D.*  
*Terra Bella I.D.*  
*Tulare I.D.*

February 24, 2012

VIA ELECTRONIC MAIL

Ms. Michele Banonis  
SJRRP Natural Resources Specialist  
U. S. Bureau of Reclamation  
2800 Cottage Way, MP-170  
Sacramento, CA 95825-1898  
Email to: [mbanonis@usbr.gov](mailto:mbanonis@usbr.gov)

Re: Comments on Draft Environmental Assessment and Finding of No Significant Impact Statement/Environmental Impact Report (DPEIS/R) for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows

Dear Ms. Banonis:

The Friant Water Authority has reviewed the subject EA and FONSI and is submitting the attached specific comments. We concur with the determinations made in the EA and with the findings that there are no significant impacts from implementation of the recirculation of recaptured 2012 Interim Flows in conformance with the Project Description.

FWA-1

We note that the EA and FONSI do not cover the direct introduction of recirculated water from SOD facilities into the Friant Kern Canal (FKC) and understand the complexity of that issue. However, in light of the significantly reduced water supplies allocated to Friant Division contractors and the heightened importance of returning any and all recaptured water, we encourage Reclamation to take immediate steps to evaluate a) the potential necessity of direct discharge into the FKC and b) the studies and agreements that would be required to achieve the necessary environmental documentation to use that pathway should it become necessary.

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Sacramento Office  
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Phone: 916-346-4165  
Fax: 916-346-3429

Website: [www.friantwater.org](http://www.friantwater.org)

Our specific comments relate primarily to the addition of two districts to the list and descriptions of non-Friant contractors as potential participants in transfers and exchanges. Those comments apply also to the listing of districts contained in the FONSI.

Thank you for the opportunity to comment on the subject documents and we look forward to successful and timely recirculation of all recaptured 2012 Interim Flows.

Sincerely,



Stephen H. Ottemoeller  
Water Resources Manager

Attachment

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**San Joaquin River Restoration Program  
Document Comment Form  
Water Year 2012 Interim Flows Recirculation Environmental Assessment - Public Draft**

Item	Document (e.g. main document, Appendix A)	Chapter/Section	Page #	Line Numer( s)	Reviewer	Comments	Response
1	Main Document	Definitions	iii		FWA	"Class 1 Water", "Class 2 Water" and "Long Term Contractors" definitions only reference "water service contracts". Definitions should accurately reflect that repayment contracts may also apply.	FWA-2
2	Main Document	Definitions	iv		FWA	"Project Water" only refers to the Friant Division service area and facilities, whereas this EA covers uses of Project (CVP) Water that has been identified as recaptured water by exchange and uses other CVP facilities	FWA-3
3	Main Document	Section 3.1.1.1	16		FWA	<p>Add Dudley Ridge Water District (DRWD) to the list of non-Friant Contractors. Suggested language provided by DRWD is as follows: The Dudley Ridge Water District ("District") is a California Water District, organized on January 26, 1963 under California Water District Law. The District is located in southern Kings County on the western edge of the San Joaquin Valley. The District lies south of Kettleman City and is bounded on the northeast by the Tulare Lake Basin Water Storage District, on the south by the Kings-Kern County Line, and on the west by the Governor Edmund G. Brown California Aqueduct. Interstate 5 traverses the District in a northwest-southeast direction. The District's boundaries do not encompass any towns or incorporated communities. The property within the District is agricultural, and of the total 37,600 acres, approximately 17,000 acres are currently in crops (primarily orchard and vines, including pistachios, almonds, pomegranates, stone fruit, and grapes). All permanent crops in the District are currently irrigated with drip or low-volume microsprinkler systems.</p> <p>The District delivers SWP water from the California Aqueduct through five delivery structures (turnouts). From each turnout, water is delivered to landowners through District owned concrete-lined canals and/or underground pipelines to metered farm turnouts. The District possesses approximately 22 miles of distribution canals and pipelines.</p> <p>The District's only water source is surface water supplies; groundwater underlying the District is not used due to its low yields and poor quality. In addition to the SWP supplies, water has been made available through programs for water stored in off-site groundwater basins and from purchases and transfers from other water contractors. The surface water supply is comprised of SWP allotment (50,343 acre-feet), other SWP water as available, and non-project water obtained outside the District and delivered to banking/exchange programs (Kern Water Bank, Cawelo Conjunctive Use Program, San Gabriel Valley exchange program, and various programs with other Westside Districts). In drier years, the supply is heavily supplemented by banked water retrieved from groundwater storage programs in which the District is participating; in wetter years, the supply is mostly, or exclusively, from surface water sources. Water transfers, groundwater banking, and water purchases play an important role in balancing the available water supply not only within the District, but within the individual growers' farming operations, which often extend to neighboring water districts.</p>	FWA-4
4	Main Document	Section 3.1.1.1	16		FWA	<p>Add Grasslands Water District to the list of Delta Division contractors because they have the potential to be an exchange or sales participant. Suggested description as follows: The Grassland Water District (District) is a California Water District formed under Section 34000 of the State Water Code that was established to receive and distribute CVP water. The District is approximately 51,537 acres in size with the majority of this land in wetland habitat. The District's primary function is the delivery of water to the landowners within its boundaries. The canal system for carrying out water deliveries is approximately 110 miles in length and is operated and maintained by the District. The Grassland WD delivers CVP water to the wetland areas within its boundaries. The Grassland WD contains approximately 165 separate ownerships, most of which are hunting or duck clubs. Perpetual easements have been purchased by the Service to help preserve wetland-dependent migratory bird habitat on approximately 31,000 acres serviced by the Grassland WD. (Language from Grasslands Water District web site)</p>	FWA-5
5	Main Document	Section 3.1.1.2	43		FWA	The Fresno ID description should include its capability to exchange water delivered to TLBWS by virtue of its Kings River water rights and agreement with City of Fresno	FWA-6

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## 2.5 Comments from Grasslands Water District, California Department of Fish and Game, and U.S. Fish and Wildlife Service

Michelle Banonis  
Bureau of Reclamation  
2800 Cottage Way, MP-170  
Sacramento, CA 95825

Re: Draft EA/FONSI for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows

The Grassland Water District (District), the California Department of Fish and Game and the U.S. Fish and Wildlife Service (collectively, Agencies), all members of the Central Valley Project Improvement Act (3406d2) (CVPIA) Interagency Refuge Water Management Team (IRWMT), have reviewed the Draft EA/FONSI for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows. As part of the San Joaquin River Restoration Program (SJRRP), the U.S. Bureau of Reclamation (Reclamation) has determined that the execution of transfer and exchange agreements to recirculate up to 260,000 acre-feet (AF) of water from San Luis Reservoir, recaptured as a result of SJRRP Water Year 2012 Interim Flows, is not a major action that would significantly affect the quality of the human environment and an environmental impact statement is not required. The FONSI is supported by the Draft EA, which also concludes that there are no potentially significant impacts anticipated with the implementation of the proposed action.

The Agencies appreciate Reclamation's cooperation and efforts to ensure that any delivery of water under the SJRRP recirculation program would not violate or hinder Reclamation's ability to fulfill its obligations under the CVPIA. Nevertheless, the Agencies have several concerns regarding the potential effects of the Proposed Action on the refuge water supply program mandated by the CVPIA. The Agencies' chief concerns are discussed below.

- GWD/DFG/FWS-1

**1. Identified Potential Water Agency Participants.**  
While the Proposed Action recognizes opportunities to benefit certain wildlife refuges identified in CVPIA 3406(d) (CVPIA Refuges), it does not identify all south of delta (SOD) CVPIA Refuges that could benefit from potential transfer of recaptured water. The Agencies recommend that potential partners and recipients of water transfers or exchanges (Table 1) made available as a result of the Proposed Action include all SOD CVPIA Refuges. Table 1 should be revised so that it refers to all SOD CVPIA Refuges, and not specific Refuges such as the Kern National Wildlife Refuge.
- GWD/DFG/FWS-2

**2. RWSP and IRWMT Coordination.**  
Reclamation has already established a process through its contractual implementation of the CVPIA refuge water supply provisions for the collaborative allocation with the IRWMT of any pooled water supplies in order to ensure that the highest priority refuge needs are met. Under this process, Reclamation and the IRWMT are required to manage Incremental Level 4 water and Level 2 diversification water equitably across all CVPIA Refuge lands. Consistent with the existing implementation of the CVPIA and

Reclamation's Refuge Water Supply Program (RWSP), we request that Reclamation expressly revise the Proposed Action to similarly provide that any water made available to CVPIA Refuges as a result of the SJRRP recirculation program be allocated in coordination with the RWSP and the IRWMT.

**3. Points of Diversion.**

GWD/DFG/FWS-3

Consistent with Comment 1, potential diversion points for the recapture of interim flows should not include refuges or refuge lands not included as part of the CVPIA Refuges. Until Reclamation has fulfilled its statutory obligation to provide full and reliable Level 4 water supplies to all CVPIA Refuges, any Central Valley Project water made available for refuge use through implementation of the Proposed Action must be made available first to any CVPIA-eligible refuge that has not received its full statutory water supply, unless circumstances prevent conveyance and delivery to any CVPIA Refuge. The points of diversion associated with the Proposed Action should include all allowable points of diversion for deliveries to SOD CVPIA Refuges, but not points of diversion for deliveries to non-CVPIA refuges or refuge lands.

**4. Advanced Delivery of Recaptured Interim Flows.**

GWD/DFG/FWS-4

The option to advance delivery of recaptured interim flows as described in the EA/FONSI lacks detail in describing how this option would be implemented and how the amount of recaptured interim flows would be calculated. The Agencies are concerned that if Reclamation over-commits or miscalculates the volume of recaptured water via this process, then the water supply of other CVP contractors, including CVPIA Refuges, could be adversely affected. Additionally, advanced delivery of recaptured interim flows could impact the "San Luis Reservoir Low Point," causing additional impacts to SOD water supplies including CVPIA Refuges. Reclamation should specify how it intends to implement the option to advance delivery of recaptured water, and how it will assure that implementation of this option will not adversely affect the water supplies of other CVP water users, including CVPIA Refuges.

**5. Potential Users and Place of Use for Recaptured Interim Flows.**

GWD/DFG/FWS-5

Page 4 of the FONSI states: "All contract allocations for possible deliveries, exchanges, and transfers are listed in Table 1 below". The FONSI also lists a number of parameters that will govern the Transfer/Exchange program. The first parameter states, "Transfers or exchanges must occur within the CVP consolidated Place-of-Use (POU), as may be modified by a temporary or other change petition with the State Water Resources Control Board." The Agencies believe that CVP water made available through the implementation of the Proposed Action should be used to meet the unmet obligations of Reclamation to SOD CVP contractors, including SOD CVPIA Refuges, before being made available for uses outside the CVP POU. Reclamation should remove the State Water Project Contractors from the list in Table 1, or else specify that deliveries to those contractors shall only be made via exchanges that assure an adequate replacement water supply for SOD CVP contractors.

GWD/DFG/FWS-6

6. **Biological and Socioeconomics Resources Impacts.**

The FONSI discusses the findings of the impact analysis of the various resource areas in the Findings section beginning on Page 7. The wetlands within the CVPIA Refuges should be added to the descriptions in the Biological Resources and Socioeconomic Resources sections as potential lands that may receive water deliveries, transfers, and exchanges under the Proposed Action. Likewise, identification of these refuge lands should be considered in the impact analysis in the EA.

GWD/DFG/FWS-7

In addition to the collaboration during program implementation described in paragraph 2 above, we respectfully request that Reclamation and the SJRRP consult with the RWSP and the IRWMT to explore opportunities for delivery of recaptured interim flows to SOD CVPIA Refuges before the Proposed Action is finalized. This will permit any appropriate revisions in the proposed SJRRP recirculation program to be incorporated into the program design. If you have any questions or need any further detail we would be happy to meet with you to discuss our comments and concerns.

Sincerely,

Ricardo Ortega  
General Manager, Grassland Water District

Brian Cary  
CVPIA Refuge Water Supply Coordinator, Department of Fish and Game

Dale Garrison  
Refuge Water Supply Coordinator, U.S. Fish and Wildlife Service

Cc: Donald R. Glaser, USBR Mid-Pacific Regional Director  
Pablo R. Arroyave, USBR Mid-Pacific Deputy Regional Director  
David Gore, USBR Mid-Pacific Assistant Region Director  
Jeffery R. Single, DFG Regional Manager, Region 4  
Daniel G. Nelson, San Luis & Delta Mendota Water Authority Executive Director

## 2.6 Comments from Dumna Wo Wah Tribe

### Banonis, Michelle

---

**From:** Gidding, Margaret A  
**Sent:** Thursday, February 09, 2012 1:14 PM  
**To:** Banonis, Michelle  
**Subject:** Fw: Just Released: Draft Environmental Documents for the Recirculation of Recaptured Water WY 2012 SJRRP Interim Flows

Fyi

---

**From:** Eric Smith [mailto:nuem2007@yahoo.com]  
**Sent:** Thursday, February 09, 2012 02:10 PM  
**To:** SJRRP@restoresjr.net <SJRRP@restoresjr.net>  
**Cc:** Robert Ledger <ledgerrobert@ymail.com>  
**Subject:** Re: Just Released: Draft Environmental Documents for the Recirculation of Recaptured Water WY 2012 SJRRP Interim Flows

DWWT-1

I do see water rights for aboriginal useages has and will continue to be adversley effected for the Indians of the aboriginal tribes (CA ndn's v. U.S. (K-344, docket 31 &33)) The Dumna ndns and there decendents from the Central Valley Project of the 1941 statute, 55 Stat. 612, under Congress has the trust duty for those ndns under statute and under the general allotment act under the San joaquin Tribe have not terminate their water rights under treaty or statute. Every city, township, dams or fisheries take and discharge waste into San Joaquin river effect the growth and quality of aquatic and plant life under the clean water act for the dumna tribal religion cultural practices under statute. The Dumna tribe under statute is still being adversley effected by the construction of the dam under statute by all irrigation contract holders that discharge reclamation water onto aboriginal sacred site's and traditional cultural properties with toxic pollutants that also effect spring water under the groundwater rule under the Clean Water Act. Its like craping in the water that your going to drink, even by chlorinating the water is still substituing pollutant to kill another pollutant does not adjust the clean water act responsibility for Indians of California.

I have also submitted to Bureau of Reclamation that the agency is not recognizing the trust responsibility of the Dumna of the San Joaquin Tribe exisit under the 1941 act. So again i am exhauasting due process under the U.S. Constituion Commerce Clause that the Dumna of the San Joaquin Tribe exists under the 1941 statute under the 1934 Indian Reorganization Act for fiduciary responsibibility when United States is absent on there behalf.

Sincerley,  
Eric Smith

**From:** Margaret Gidding <SJRRP@restoresjr.net>  
**To:** nuem2007@yahoo.com  
**Sent:** Wednesday, February 8, 2012 10:03 AM  
**Subject:** Just Released: Draft Environmental Documents for the Recirculation of Recaptured Water WY 2012 SJRRP Interim Flows



Bureau of Reclamation  
2800 Cottage Way, MP-170  
Sacramento, Calif. 95825-1898

## **Reclamation Releases Draft Environmental Documents for Recirculation of Recaptured Water Year 2012 San Joaquin River Restoration Program Interim Flows**

The Bureau of Reclamation has released for public review the Draft Environmental Assessment and Draft Finding of No Significant Impact (Draft EA/FONSI) for the Recirculation of Recaptured Water Year (WY) 2012 San Joaquin River Restoration Program (SJRRP) Interim Flows.

Reclamation estimates that 20,000 to 80,000 acre-feet of recaptured Interim Flows (based on 90- and 50-percent exceedence levels) could be made available for recirculation back to Central Valley Project (CVP) Friant Division contractors as Class 1 or Class 2 supplies during WY 2012. (Class 2 is additional water, when available, beyond the firm amount of 800,000 acre-feet of Class 1 water.) The EA evaluates a maximum possible amount of up to 260,000 acre-feet. This recaptured water will be available at South-of-Delta facilities for direct delivery to the Friant Division or through transfers and exchanges between Friant contractors and non-Friant contractors.

The Draft EA and Draft FONSI are available online at

[http://www.usbr.gov/mp/nepa/nepa\\_proidetails.cfm?Project\\_ID=9063](http://www.usbr.gov/mp/nepa/nepa_proidetails.cfm?Project_ID=9063).

Please send written comments to Michelle Banonis, Bureau of Reclamation, 2800 Cottage Way, MP-170, Sacramento, CA 95825, by 5 p.m. Friday, February 24, 2012. Comments may also be faxed to 916-978-5469 or e-mailed to [mbanonis@usbr.gov](mailto:mbanonis@usbr.gov).

For additional information or to request a copy of the Draft EA/FONSI, please contact Margaret Gidding at 916-978-5461 (TTY 800-735-2922) or [mgidding@usbr.gov](mailto:mgidding@usbr.gov). For more information about the SJRRP, please visit [www.restoresir.net](http://www.restoresir.net).

This message was sent to [nuem2007@yahoo.com](mailto:nuem2007@yahoo.com) from:

U.S. Bureau of Reclamation | 2800 Cottage Way | Sacramento, CA 95825

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## Section 3 Responses to Comments

The following responses were prepared to answer questions or comments received on the Draft WY 2012 Recirculation EA and Draft Finding of No Significant Impact (Draft FONSI). Sections 3.1 through 3.6 break down each commenter separately and provide responses to comments as outlined in the letters presented in Sections 2.1 through 2.6.

### 3.1 Response to San Luis & Delta-Mendota Water Authority Comments

#### SLDMWA – 1:

The Draft WY 2012 Recirculation EA and Draft FONSI incorporates by reference the Draft and Final Water Year 2012 SJRRP Interim Flows Project Environmental Assessment (Draft and Final WY 2012 Interim Flows EA, respectively) and FONSI. The Draft WY 2011 Recirculation EA calls out this incorporation by reference in several locations. Both the WY 2012 Interim Flows release and recapture, as well as the recirculation of flows are interrelated and interdependent and are treated as such in the analysis. The Council on Environmental Quality (CEQ) states in 43 CFR 1502.21 that “agencies shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding agency and public review of the action. The incorporated material shall be cited in the statement and its content briefly described.” In order to provide clarity on what sections and specific analyses that were included from the WY 2012 Supplemental EA and FONSI are included in the errata to the project description and the subsequent resource area sections. While providing a better explanation of the referenced information, this does not alter the impact determinations present in the Draft WY 2012 Recirculation EA, Final WY 2012 Recirculation EA, or the FONSI.

While it was foreseeable during the preparation of the Draft WY 2012 Interim Flows EA in June 2011 that there would be recirculation of the recaptured Interim Flows, the mechanisms for these water management actions were not fully understood at the time in order to perform an adequate impact analysis for NEPA. This need for additional analysis is expressed in Section 2.2.2 – Recapture and Recirculation as the document states that “Reclamation is working with the Friant Division long-term water contractors to prepare a separate Environmental Assessment to determine possible mechanisms to either exchange or deliver to the Friant Division long-term contractors recaptured water stored in San Luis Reservoir.” Recirculation is discussed as needing “mutual agreements between Reclamation, DWR, Friant Division long-term contractors, and other south-of-Delta CVP/SWP contractors.” The Draft WY 2012 Recirculation EA discusses the specific potential mechanisms and environmental impacts of the delivery, transfer, or exchange of recaptured WY 2012 Interim Flows because this will require additional contractual action between the identified parties. Because Reclamation now has a maximum estimate of water that could potentially be recirculated and the mechanisms for moving this water, we are completing the appropriate analysis under NEPA and incorporating by reference the previous completed analysis in the Draft and Final WY 2012 Interim Flows EA.

#### SLDMWA – 2:

The Draft WY 2012 Recirculation EA, much like various NEPA documentation performed for transfers and exchanges (as an example, see *Final Environmental Assessment for Accelerated Water Transfers and Exchanges, Central Valley Project, South of Delta Contractors Years 2011-2015, EA-10-51*, February 2011, Reclamation), presents a maximum amount of water that could potentially be recirculated via delivery, transfer, or exchange to various water contractors and a

description of the various mechanisms that could be used for distributing that water. In order to present the greatest amount of potential environmental impact that could possibly be associated with the proposed action, the project description in the Draft WY 2012 Recirculation EA specifically provides:

- The total maximum amount of water to potentially be available to the Friant Division long-term contractors as 260,000 acre-feet (AF) of CVP Friant Division Class 1 and 2 water supplies, further explaining that based on current projections this number will most likely be 20,000 to 80,000 AF for WY 2012;
- The locations of where recaptured Interim Flows will be made available, including San Luis Reservoir, O’Neill Forebay, Delta-Mendota Canal, California Aqueduct, Cross Valley Canal, Friant-Kern Canal, and Madera Canal and that capacities within these facilities will not be exceeded with the proposed action;
- That the amount of water transferred or exchanged between Friant and non-Friant contractors will not be in excess of existing contract amounts, these contract totals being identified in Table 1 of the Project Description;
- The identification of contractors that could be potentially be involved in possible delivery, exchange, or transfer of recaptured Interim Flows;
- The process of making recaptured WY 2012 Interim Flows available to Friant contractors in Millerton Lake as a result of exchanges with other Friant or non-Friant contractors. Non-Friant contractors will exchange a like amount of their water supplies to be made available to Friant contractors. The water made available would be integrated into Friant’s Class 1 and 2 supplies;
- That the Friant contractors could also take delivery of recaptured water made available in South-of-Delta facilities via a transfer amongst themselves or through non-Friant contractors, using existing contracts and agreements;
- That contractors proposing to deliver, exchange, or transfer water according to the description provided in the Draft WY 2012 Recirculation EA notify Reclamation in advance so that a determination of consistency with the project description and with existing contracts can be made prior to implementation.

The project description provided outlines all of the potential mechanisms for recirculation of recaptured WY 2012 Interim Flows and describes the potential maximum amount of water that could be recirculated. Therefore, the Draft WY 2012 Recirculation EA provides for the greatest potential impacts to resources that could be caused by the proposed action and incorporates the actions that will occur associated with the project implementation.

**SLDMWA – 3:**

As per the commenter’s observation, a draft version of the SJRRP Recirculation and Recapture Plan was sent to the California State Water Resources Control Board (Board) on February 12, 2012. Reclamation is continuing to work on this long-term plan for recirculation, recapture, reuse, exchange or transfer of SJRRP water associated with the long-term implementation of the Settlement and Act. Coordination with San Luis and Delta-Mendota Water Authority (SLDMWA), San Joaquin River Exchange Contractors Water Authority (SJRECWA), Friant Water Authority (FWA), and Natural Resources Defense Council (NRDC) will continue as this process moves forward. The completion of the long-term plan does not change the Proposed Action or impacts described in the WY 2012 Recirculation EA as they are separate actions: the WY 2012 Recirculation EA being only a temporary one-year action for the recirculation of

recaptured WY 2012 Interim Flows. The long-term plan will provide the mechanisms for determining recapturable water, losses, recapture locations, recirculation, and funding. This plan will explain how Reclamation will determine the availability of recapturable and recirculation water and have no bearing on the environmental effects of recirculation actions. Reclamation will continue to work towards achieving the target August 2012 completion plan date specified in the Board letter.

**SLDWMA – 4:**

The project description in the WY 2012 Recirculation EA specifies that the amount of water analyzed in the document is the total maximum amount of water that could be recaptured as a result of the release of WY 2012 Interim Flows. This total amount would be distributed among the identified and willing delivery, transfer, or exchange water contractor partners in an amount not to exceed any one contractor's existing contract total. The facilities used for storage and conveyance are also discussed in the project description and include San Luis Reservoir, O'Neill Forebay, Delta-Mendota Canal, California Aqueduct, Cross Valley Canal, Friant-Kern Canal, and Madera Canal and that capacities within these facilities will not be exceeded with the proposed action.

In order to provide additional clarity to the project description related to the explanation of when water may be moved, the following text is provided in the errata to supplement the project description:

“Recaptured WY 2012 Interim Flows may be moved during any time of year as needed, as capacities within existing storage and conveyance facilities exist, and provided contract totals are not exceeded for any participating water contractor. Water that is moved to one contractor via an exchange during WY 2012 needs a return exchange of water from the other contract partner. Therefore, this return exchange may occur at a future date in order to fulfill the exchange arrangement. For example, if during WY 2012, Contractor A exchanges 200 AF of recaptured WY 2012 Interim Flows to Contractor B, the expectation of the agreement would be that Contractor A is provided the same quantity of water at a future date from Contractor B. Assuming Contractor B does not immediately have 200 AF to send back to Contractor A in 2012, there may be a future date, using 2016 for illustrative purposes, when Contractor B finally has the 200 AF to exchange back to Contractor A. Thus, the transaction is then complete.”

See also response to comment SLDMWA – 2.

**SLDMWA – 5:**

The Draft Environmental Assessment/Initial Study for the Arvin-Edison Water Storage District and Metropolitan Water District 12-Month Water Exchange Project (Exchange Project), EA 11-085, February 2012, incorporates by reference the WY 2012 Interim Flows Final Supplemental EA. Incorporating the Exchange Project document by reference into the WY 2012 Recirculation EA, which is already to be read in concert with the WY 2012 Interim Flows Final Supplemental EA, would potentially create a circular reference for the reader. Further, both the Final and the Draft WY 2012 Recirculation EAs were released in advance of the release of the Exchange Project EA. Reclamation will continue to coordinate internally to ensure that water exchanges identified in both the Exchange Project and WY 2012 Recirculation EAs are consistent with each other, with the Settlement, and with the Act.

**SLDMWA – 6:**

The commenter's concern refers to potential issues related to the advance delivery of water, which was part of the project description provided in the Draft WY 2012 Recirculation EA. Reclamation has chosen to remove the advance delivery of water option from the project description for WY 2012. This language is reflected in strikeout form in the errata. This removal of advance delivery will not change the impact determinations discussed in the document.

**SLDMWA – 7:**

See responses to comments SLDMWA – 1 through SLDMWA – 6.

## **3.2 Response to San Joaquin River Exchange Contractors Water Authority Comments**

### **SJRECWA – 1:**

It is unclear to what “mitigation measures” the commenter is referring. The request to include the agreement between the San Joaquin River Exchange Contractors, the San Luis & Delta-Mendota Water Authority, and Arvin-Edison Water Storage District does not raise issues or concerns specific to the environmental analysis presented in the Draft WY 2012 Recirculation EA and does not result in new significant environmental impacts, a substantial increase in the severity of an environmental impact, or create a feasible project alternative that would clearly lessen environmental impacts.

### **SJRECWA – 2:**

The Proposed Action provided in the Draft WY 2012 Recirculation EA, while being part of the larger WY 2012 Interim Flows Project, is being analyzed specifically for the element of recirculation of Interim Flows. This is consistent with the Act, which states that the Secretary implement the terms and conditions of paragraph 16 of the Settlement related to recirculation, recapture, reuse, exchange, or transfer of water released for Restoration Flows or Interim Flows, for the purpose of accomplishing the Water Management Goal of the Settlement. Paragraph 16 of the Settlement, of which text is also provided on page 8 of the Draft WY 2012 Recirculation EA, states that in order to achieve the Water Management Goal of the Settlement, that a plan needs to be developed for the recirculation, recapture, reuse, exchange or transfer of the Interim Flows and Restoration Flows for the purpose of reducing or avoiding water deliveries to all of the Friant Division long-term contractors. The Draft WY 2012 Recirculation EA assesses the impact associated with the recirculation, exchange, or transfer of recaptured flows, specifically for WY 2012 as a short-term action. A draft version of the SJRRP Recirculation and Recapture Plan was sent to the Board on February 12, 2012. Reclamation is continuing to work on this long-term plan for recirculation, recapture, reuse, exchange or transfer of SJRRP water associated with the long-term implementation of the Settlement and Act. Coordination with SLDMWA, SJRECWA, FWA, and NRDC will continue as this process moves forward. The completion of the long-term plan does not change the Proposed Action or impacts described in the WY 2012 Recirculation EA as they are separate actions: the WY 2012 Recirculation EA being only a temporary one-year action for the recirculation of recaptured WY 2012 Interim Flows. The long-term plan will provide the mechanisms for determining recapturable water, losses, recapture locations, recirculation, and funding. This plan will explain how Reclamation will determine the availability of recapturable and recirculation water and have no bearing on the environmental effects of recirculation actions. Reclamation will continue to work towards achieving the target August 2012 completion plan date specified in the Board letter.

Potential impacts related to “seepage, flooding or similar impacts” as the commenter suggests, are not anticipated with the recirculation of WY 2012 flows which have already been recaptured. Additionally, these concerns were analyzed in the WY 2012 Interim Flows Final Supplemental EA for the release and recapture of WY 2012 Interim Flows, which provides specific measures to reduce or modify flows to reduce or avoid third party impacts. The WY 2012 Interim Flows and associated one-year temporary actions, including recirculation, is a demonstration project that has independent utility and provides useful information on flows, temperatures, fish needs, seepage losses, shallow groundwater conditions, recirculation, recapture and reuse conditions,

channel capacity (high and low flows), and levee stability regardless of the future implementation of the Settlement. The Proposed Action for recirculation of recaptured flows can be implemented successfully in meeting its purpose and need and objectives without any subsequent SJRRP activities. The SJRRP Program Environmental Impact Statement/Report (PEIS/R) will evaluate the cumulative effects of the implementing the SJRRP, including both Interim Flows and Restoration Flows.

**SJRECWA – 3:**

The Draft WY 2012 Recirculation EA makes no presumptions related to the automatic labeling of water releases from Friant Dam as being recirculation water. Water releases made from Friant Dam are made for other reasons aside from only the implementation of the SJRRP, including non-discretionary flood releases and water contract deliveries, which take priority over SJRRP Interim Flow releases. Page 2-7 and 2-8 of the WY 2012 Interim Flows Final Supplemental EA states that “Recirculation would be subject to available capacity within CVP/SWP storage and conveyance facilities, including the Jones and Banks pumping plants, California Aqueduct, DMC, San Luis Reservoir, and related pumping facilities, and other facilities of CVP/SWP contractors. Available capacity is the capacity that is available after satisfaction of all statutory and contractual obligations to existing water service or supply contracts, exchange contracts, settlement contracts, transfers, or other agreements involving or intended to benefit CVP/SWP contractors served water through CVP/SWP facilities.”

**SJRECWA – 4:**

The commenter’s concern refers to potential issues related to the advance delivery of water, which was part of the project description provided in the Draft WY 2012 Recirculation EA. Reclamation has chosen to remove the advance delivery of water option from the project description for WY 2012. This language is reflected in strikeout form in the errata. This removal of advance delivery will not change the impact determinations discussed in the document.

### **3.3 Response to Arvin-Edison Water Storage District Comments**

#### **AEWSD – 1:**

A determination has not been made at this time in association with the recirculation of recaptured WY 2012 Interim Flows to discharge any water from the Cross Valley Canal (CVC) into the Friant-Kern Canal (FKC). If this course of action were to be pursued, Reclamation would coordinate with the applicable stakeholders, including water users, prior to determining the approach to providing the appropriate level of NEPA review. Additionally, any other studies or agreements that may be necessary to evaluate this type of change in operations would need to be fully evaluated prior to implementation.

The reference to the word “good” on page 54 of the Draft WY 2012 Recirculation EA is not intended to downgrade the water within the FKC, and was being used as a general descriptive term. The following text is provided for clarity in the discussion of the FKC and is located in the errata:

“Water from Millerton Lake delivered to the Friant Contractors via the FKC is representative of water quality conditions at Millerton Lake and in the upper San Joaquin River watershed. Water upstream from Friant Dam is generally soft, with low concentrations of minerals and nutrients because of the insolubility of the watershed’s granitic soils and the river’s granite substrate.”

#### **AEWSD – 2:**

As provided now in the errata, Table 1 also includes Henry Miller Water District, Lost Hills Water District, Tehachapi-Cummings Water District, Tejon-Castaic Water District, West Kern Water District, and Wheeler Ridge-Maricopa Water Storage District.

#### **AEWSD – 3:**

The Proposed Action analyzed in the EA is only to assess the environmental impacts to the human environment for the recirculation of water recaptured as a result of the release of WY 2012 Interim Flows. Therefore, any speculation on actions within other years is not reviewed or discussed in this document and outside of the scope of this EA. The overall plan for recirculation, recapture, reuse, exchange or transfer of the Interim and Restoration Flows for the long-term will be analyzed in future environmental documentation once additional information on these future actions is known.

#### **AEWSD – 4:**

Sonoma County Water Agency is added to the Arvin-Edison Water Storage District discussion. In addition, the following text has been added to the document and is provided in the errata:

“Reclamation will evaluate any water contractors described in this document that may currently be outside the existing CVP place-of-use in order to determine future agreements or modifications to existing permits or approvals that may be necessary in order to legally transfer, exchange, or deliver recaptured WY 2012 Interim Flows.”

### **3.4 Response to Friant Water Authority**

#### **FWA – 1:**

A determination has not been made at this time in association with the recirculation of recaptured WY 2012 Interim Flows to discharge any water from the Cross Valley Canal (CVC) into the Friant-Kern Canal (FKC). If this course of action were to be pursued, Reclamation would coordinate with the applicable stakeholders, including water users, prior to determining the approach to providing the appropriate level of NEPA review. Additionally, any other studies or agreements that may be necessary to evaluate this type of change in operations would need to be fully evaluated prior to implementation.

#### **FWA – 2:**

Text revised in the errata to reflect the addition of language to provide repayment contracts in the definitions for Class 1, Class 2, and Long-Term Contractors.

#### **FWA – 3:**

Text revised in errata to read:

“Project Water: All water that is developed, diverted, stored, or delivered for the benefit of the Friant Division Service area in accordance with the statutes authorizing the Friant Division, and in accordance with the terms and conditions of water rights permits acquired pursuant to California Law.”

#### **FWA – 4:**

Dudley Ridge Water District (DRWD) is now included in the text, per the commenter’s suggested language. DRWD is included in Table 1 as well as Chapter 3.1, Water Resources of the Draft WY 2012 Recirculation EA, per the errata. The addition of this contractor does not change the impact analysis presented in the document.

#### **FWA – 5:**

Grasslands Water District (GWD) is now included in the text, per the commenter’s suggested language. GWD is included in Table 1 as well as Chapter 3.1, Water Resources of the Draft WY 2012 Recirculation EA, per the errata. The addition of this contractor does not change the impact analysis presented in the document.

#### **FWA – 6:**

Text revised in Chapter 3.1, Water Resources of the Draft WY 2012 Recirculation EA in the errata per the commenter’s suggestion.

### **3.5 Response to Grasslands Water District, California Department of Fish and Game, and U.S. Fish and Wildlife Service**

#### **GWD/DFG/FWS – 1:**

Text revised in the errata based on the commenter's suggestion. Both Chapter 3.1, Water Resources of the Draft WY 2012 Recirculation EA and Table 1 have been updated to reflect that any CVPIA San Joaquin Valley refuges served by the DMC or the San Luis Unit may be able to receive recaptured WY 2012 Interim Flows, provided that the Friant Division, as the sellers of the water, are willing to enter into the necessary agreements. The addition of these refuges does not change the impact analysis presented in the document.

#### **GWD/DFG/FWS – 2:**

The SJRRP is a program that is to be implemented in order to fulfillment of requirements presented in both the Stipulation of Settlement in *NRDC, et al. v. Kirk Rodgers, et al.* (Settlement) and the San Joaquin River Restoration Settlement Act (Act), Public Law 111-11. The Settlement and Act call for specific methods in order to achieve the Water Management Goal, including a program of recirculation, recapture, reuse, exchange, or transfer of Interim and Restoration Flows. Reclamation is currently working on a long-term plan to address this goal and is working towards a target date of completion of August 1, 2012. This plan will work to address any potential integration with existing programs and water allocations. However, the recirculation of WY 2012 Interim Flows is a temporary one-year action. As such, the delivery, transfer, or exchange of water is being limited only water recaptured during WY 2012, which may be up to 260,000 AF, but is more likely to be 20,000 to 80,000 AF based on current forecasts. Reclamation is not pursuing the integration of existing programs for this temporary action.

#### **GWD/DFG/FWS – 3:**

The SJRRP is a multi-agency program, being undertaken with the assistance of Reclamation, DFG, USFWS, California Department of Water Resources, and National Marine Fisheries Service, that is being implemented to fulfill a Settlement. Therefore, it is operated in manner consistent to achieving the goals of that Settlement. Water that is being recirculated as part of the implementation of the SJRRP is water that is being used to reduce the impacts to the Friant Division long-term contractors from losses experienced as a result of Interim and Restoration Flow releases. This water could delivered, transferred, or exchanged as part of agreements executed between the Friant Division long-term contractors and the subsequent water contractors, potentially including refuges. See also response to comment GWD/DFG/FWS – 2.

#### **GWD/DFG/FWS – 4:**

The commenter's concern refers to potential issues related to the advance delivery of water, which was part of the project description provided in the Draft WY 2012 Recirculation EA. Reclamation has chosen to remove the advance delivery of water option from the project description for WY 2012. This language is reflected in strikeout form in the errata. This removal of advance delivery will not change the impact determinations discussed in the document.

#### **GWD/DFG/FWS – 5:**

See response to Comment GWD/DFG/FWS – 3.

**GWD/DFG/FWS – 6:**

Based on the inclusion of wildlife refuges served by the DMC or the San Luis Unit may that be able to receive recaptured WY 2012 Interim Flows, these areas have been added to the project description and this language inclusion is provided in the errata. The inclusion of the refuges as potential receivers of recaptured WY 2012 Interim Flows does not change the impact analysis presented as total allocations for CVPIA Level 2 or Level 4 supplies will not change as a result of the proposed action.

**GWD/DFG/FWS – 7:**

As stated in response to comment GWD/DFG/FWS – 3, the SJRRP is implemented jointly with DFG and USFWS. Reclamation continues to coordinate with all implementing agencies regularly and will continue to collaborate as appropriate. Reclamation requests that the commenter engage in regular SJRRP Water Management Technical Feedback Workgroup meetings or contact the SJRRP office directly to discuss how these issues can best be resolved. See also response to GWD/DFG/FWS – 2.

### **3.6 Response to Dumna Wo Wah Tribe Comments**

#### **DWWT – 1:**

The comment does not raise issues or concerns specific to the environmental analysis presented in the Draft WY 2012 Recirculation EA and does not result in new significant environmental impacts, a substantial increase in the severity of an environmental impact, or create a feasible project alternative that would clearly lessen environmental impacts.

## Section 4 Errata

Based on comments received on the Draft WY 2012 Recirculation EA, some revisions to the text were identified through review and responses to comments and are provided below. The revisions to the Draft WY 2012 Recirculation EA are one component of the materials that comprise the Final WY 2012 Recirculation EA. This errata sheet identifies certain modifications and corrections to the Draft WY 2012 Recirculation EA, which have been identified in response to public and agency comments received during the public review and comment period. The changes presented below provide additional clarification, additional information, and/or correct minor errors. The changes do not alter the conclusions related to environmental impacts that were presented in the Draft WY 2012 Recirculation EA. Additions to the Draft WY 2012 Recirculation EA are included in double underline and deletions are included in ~~striketrough~~.

### 4.1 Definitions

**Definitions:** *Page iii, the following text has been added:*

**Class 1 Water:** The supply of water stored in or flowing through Millerton Lake which, subject to the contingencies described in the water service or repayment contracts will be available for delivery from Millerton Lake and the Friant-Kern and Madera Canals as a dependable water supply during each Contract Year.

**Class 2 Water:** The supply of water which can be made available subject to the contingencies described in the water service or repayment contracts for delivery from Millerton Lake and the Friant-Kern and Madera Canals in addition to the supply of Class 1 water. Because of its uncertainty as to availability and time of occurrence, such water will be undependable in character and will be furnished only if, as, and when it can be made available.

**Long-Term Contractors:** All parties who have water service or repayment contracts for a specified quantity of Class 1 and/or Class 2 water from the Friant Division of the CVP with the United States pursuant to Federal Reclamation law.

**Project Water:** All water that is developed, diverted, stored, or delivered for the benefit of the Friant Division Service Area ~~that is available from Millerton Lake~~ in accordance with the statutes authorizing the Friant Division, and in accordance with the terms and conditions of water rights permits acquired pursuant to California Law.

### 4.2 Section 1 – Purpose and Need for Action

**Section 1.2 – Purpose and Need:** *Page 7, Last Paragraph, the following text has been added:*

The following discussions and sections of the *Final Supplemental Environmental Assessment, Interim Flows Project – Water Year 2012* analysis that are incorporated by reference in their entirety into this document, with a short description, are as follows:

- **Chapter 1.0 Introduction and Statement of Purpose and Need**  
Explanation of the Settlement, explanation of Interim Flows, project background, purpose and need, and definition of the study area;
- **Chapter 2.0 Description of Alternatives**  
Explanation of the No Action alternative and the Proposed Action alternative; explanation of flow magnitude and timing under the Proposed Action; Description of recapture and recirculation, including recapture locations at screened and unscreened diversions; Potential flow modifications; Additional implementation considerations including seepage constraints, maintenance, construction projects, and fish species considerations; Implementation of environmental commitments, including implementing the vehicular detour plan, the recreation outreach program, seepage monitoring, steelhead monitoring, and water quality monitoring and response; Explanation of the use and dissemination of existing data collected during WY 2011 used to make program decisions; Relationship of recommendations provided by the Restoration Administrator; Relationship to other projects
- **Chapter 3.0 Affected Environment and Environmental Consequences**  
Discussion of the changes to the affected environment based on the implementation of WY 2012 Interim Flows, including an explanation of the potential environmental impacts to resource areas including aesthetics, agricultural resources, air quality, biological resources (terrestrial and fish), cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems; Mandatory findings of significance; Mitigation measures, including the implementation of the invasive vegetation management plan.

### **4.3 Section 2 – Alternatives Including the Proposed Action**

***Section 2.2 – Proposed Action: Page 12, Second Complete Paragraph, the following text has been added and additional text removed:***

Friant contractors could also take delivery of recaptured water made available in SOD Facilities via a transfer with any of the Friant contractors. Essentially, Friant contractors can transfer water among themselves or non-Friant contractors. Reclamation would facilitate the delivery of recaptured WY 2012 Interim Flows with the Friant contractors through stipulations present in existing agreements. These transfers would not exceed the Friant contractors or non-Friant contractors total existing contract amounts. The Proposed Action analyzed in this EA would help supplement any surface water need that a particular water district or districts could have over WY 2012. The recirculation of recaptured Interim Flows will not increase deliveries to any water district beyond existing contract amounts. All water delivered, transferred, or exchanged would remain within existing contract totals for those contractors. The Proposed Action in this EA does not exceed those existing contract amounts. Further, the Proposed Action is strictly limited to the Interim Flows that are recaptured as part of the WY 2012 Interim Flows project. Therefore, the recapture of WY 2012 Interim Flows is a temporary and short-term in nature and not intended to extend beyond WY 2012. Provided, that the exchange of other water supplies needed to facilitate the proposed action may extend beyond WY 2012, but not extend beyond WY 2017.

Recaptured WY 2012 Interim Flows may be moved during any time of year as needed, as capacities within existing storage and conveyance facilities exist, and provided contract totals are

not exceeded for any participating water contractor. Water that is moved to one contractor via an exchange during WY 2012 needs a return exchange of water from the other contract partner. Therefore, this return exchange may occur at a future date in order to fulfill the exchange arrangement. For example, if during WY 2012, Contractor A exchanges 200 AF of recaptured WY 2012 Interim Flows to Contractor B, the expectation of the agreement would be that Contractor A is provided the same quantity of water at a future date from Contractor B. Assuming Contractor B does not immediately have 200 AF to send back to Contractor A in 2012, there may be a future date, using 2016 for illustrative purposes, when Contractor B finally has the 200 AF to exchange back to Contractor A. Thus, the transaction is then complete.

~~The Proposed Action could also provide an option to advance delivery of recaptured WY 2012 Interim Flows. Through this mechanism, a calculation of the amount of water that is expected to be recaptured in SOD Facilities during peak Interim Flows would occur and would take into consideration water year type, channel capacity constraints, and operational criteria. This quantity of water would be made available in advance of recapture of WY 2012 Interim Flows in SOD Facilities. When WY 2012 Interim Flows are later released and recaptured in accordance with the Settlement hydrograph, they would make up the difference and balance the water supply in the SOD Facilities, resulting in no net change or involuntary reduction in contract water allocations to the non-Friant contractors.~~

***Section 2.2 – Proposed Action: Page 12, the following text has been added as the last paragraph on the page:***

Reclamation will evaluate any water contractors described in this document that may currently be outside the existing CVP place-of-use in order to determine future agreements or modifications to existing permits or approvals that may be necessary in order to legally transfer, exchange, or deliver recaptured WY 2012 Interim Flows.

***Section 2.2 – Proposed Action: Page 13, the following text has been removed:***

- ~~• Transfers or exchanges must occur within the CVP consolidated Place of Use, as may be modified by a temporary or other change petition with the State Water Resources Control Board.~~

**Section 2.2 – Proposed Action: Table 1, text revisions made as follows:**

**Table 1: Contract Amounts for Friant Contractors and SOD Contractors**

<b>Friant Division Contractor</b>	<b>Class 1 CVP Supply (AF/year)</b>	<b>Class 2 CVP Supply (AF/year)</b>
Arvin-Edison WSD (PWRPA member)	40,000	311,675
Chowchilla Water District (WD)	55,000	160,000
City of Fresno	60,000	0
City of Lindsay	2,500	0
City of Orange Cove	1,400	0
County of Madera	200	0
Delano-Earlimart Irrigation District (ID)	108,800	74,500
Exeter Irrigation District	11,500	19,000
Fresno Co. Waterworks No. 18	150	0
Fresno ID	0	75,000
Garfield WD	3,500	0
Gravelly Ford WD	0	14,000
International WD	1,200	0
Ivanhoe WD	6,500	500
Kaweah Delta Water CD	1,200	7,400
Lewis Creek WD	1,450	0
Lindmore ID	33,000	22,000
Lindsay-Strathmore ID	27,500	0
Lower Tule River ID	61,200	238,000
Madera ID	85,000	186,000
Orange Cove ID	39,200	0
Porterville ID	16,000	30,000
Saucelito ID	21,200	32,800
Shafter-Wasco ID	50,000	39,600
Southern San Joaquin MUD	97,000	50,000
Stone Corral ID	10,000	0
Tea Pot Dome WD	7,500	0
Terra Bella ID	29,000	0
Tulare ID	30,000	141,000
<b>Non-Friant Contractors (South of Delta)</b>	<b>Supply (AF/year)</b>	
City of Avenal	3,500	
Banta-Carbona ID (PWRPA member)	20,000	
Byron-Bethany ID	20,600	
City of Coalinga	10,000	
Coelho Family Trust	2,080	
Del Puerto ID	140,210	
<u>Dudley Ridge Water District</u>	<u>50,343</u>	
Eagle Field WD	4,550	
Fresno County	3,000	
Fresno Slough WD	4,000	
<u>Grasslands WD</u>	<u>Level 2 and/or Level 4</u>	
Hills Valley ID	3,346	
City of Huron	3,000	
James ID (PWRPA member)	35,300	
Kern County Water Agency <i>Includes Belridge WSD, Kern Delta WD, Rosedale-Rio Brave WSD, Semitropic WSD, Buena Vista WSD, Cawelo WD (also a PWRPA member), Berrenda Mesa WD, Henry Miller WD, Lost Hills WD, Tehachapi-Cummings WD, Tejon-Castaic WD, West Kern WD, and Wheeler Ridge – Maricopa WD</i>	982,730	

<b>Non-Friant Contractors (South-of-Delta)</b>	<b>Supply (AF/year)</b>
<u>Kern National Wildlife Refuge (NWR) CVPIA San Joaquin Valley National Wildlife Refuges served by the DMC or San Luis Unit</u>	Level 2 and/or Level 4
Kern-Tulare WD Includes Rag Gulch WD	40,000
Laguna WD	800
Lower Tule River ID	31,102
<b>Mereced NWR</b>	
Mercy Springs WD	2,842
Metropolitan WD of Southern California	1,911,500
North Kern WSD	6,000 to 394,000 (variable)
Oro Loma WD	4,600
Pacheco WD	10,080
Panoche WD	94,000
Patterson ID	16,500
Pixley ID	31,102
<del>Pixley NWR</del>	<del>Level 2 and/or Level 4</del>
Rosedale-Rio Bravo WSD	29,900
San Benito County WD	43,800
San Joaquin River Exchange Contractors Water Authority	840,000
<del>San Luis NWR, East Bear Creek Unit</del>	<del>Level 2 and/or Level 4</del>
San Luis WD	125,080
Santa Clara Valley WD (PWRPA member)	152,500
<u>Sonoma County Water Agency (PWRPA member)</u>	<u>76,000</u>
The West Side ID (PWRPA member)	5,000
City of Tracy Includes Westside ID and Banta-Carbona ID	29,333
Tranquility ID	13,800
Tranquility PUD	70
Tri-Valley Water District	1,142
Tulare County	5,308
Tulare Lake Basin WSD	88,922
West Stanislaus ID (PWRPA member)	50,000
Westlands WD (PWRPA member) Includes Mercy Springs WD, Centinella WD, Widren WD, and Broadview WD	1,150,000
Princeton-Cordora-Glenn ID (PWRPA member)	
Provident ID (PWRPA member)	
Reclamation District 108 (PWRPA member)	

Current SWP Contractor allocations may be found here: <http://www.water.ca.gov/swpao/docs/notices/11-06.pdf>

## 4.4 Section 3 – Affected Environment and Environmental Consequences

*Section 3.1.1.1 – Non-Friant Contractors: Pages 16-17, the following text has been added:*

### **Delta Division**

- Banta-Carbona Irrigation District
- Byron-Bethany Irrigation
- City of Tracy
- Coelho Family Trust
- Eagle Field Water District
- Grasslands Water District
- Laguna Water District
- Oro Loma Water District
- Reclamation District No. 1606
- Tranquillity Irrigation District
- James Irrigation District
- Mercy Springs Water District
- Del Puerto Water District
- Fresno Slough Water District
- Patterson Irrigation District
- The West Side Irrigation District
- West Stanislaus Irrigation District
- Tranquillity Public Utility District

*Section 3.1.1.1 – Non-Friant Contractors: Page 18, the following text has been revised:*

### **National Wildlife Refuges**

- National Wildlife Refuges
- ~~East Bear Creek Unit, San Luis National Wildlife Refuge~~
- ~~Kern National Wildlife Refuge~~
- ~~Merced National Wildlife Refuge~~
- ~~Pixley National Wildlife Refuge~~

### **Sonoma County Water Agency**

#### **Dudley Ridge Water District**

*Section 3.1.1.1 – Non-Friant Contractors: Page 37, the following text has been added:*

### **National Wildlife Refuges**

There are several federal refuges located in areas that normally receive CVPIA Level 2 and Level 4 water supplies, and may be able to receive recaptured WY 2012 Interim Flows. These refuges are those located in the San Joaquin Valley and are served by the DMC or the San Luis Unit. The refuges typically contain a mixture of heavily managed waterfowl habitat, vernal pools, grasslands, floodplain, irrigated pasture land, and permanent or seasonal wetlands. The refuges that may be able to take advantage of the opportunity to obtain recaptured water through the mechanisms of deliver, transfer, or exchange include the East Bear Creek Unit, Merced

National Wildlife Refuge, San Joaquin National Wildlife Refuge, Pixley National Wildlife Refuge, Kern National Wildlife Refuge, Salt Slough Unit, San Luis Unit, Freitia Unit, West Bear Creek Unit, and the Kesterson Unit.

### **Sonoma County Water Agency**

As the local project sponsor for the construction of the Coyote Valley and Warm Springs dams, the Water Agency retains rights to some of the water stored in these reservoirs and controls the releases from the reservoirs' water supply pools. The Water Agency also has rights for direct diversion and redirection of water at the Wohler and Mirabel collectors. The Water Agency is required to maintain minimum streamflows, according to Decision 1610, at various points on the Russian River and Dry Creek in accordance with its water rights permits. The Water Agency manages and maintains a water supply and transmission system that provides naturally filtered Russian River water to nine cities and special districts that in turn delivers drinking water to more than 600,000 residents in portions of Sonoma and Marin counties. In 2009, the Water Agency delivered approximately 46,000 acre-feet of water to its wholesale contractors.

### **Dudley Ridge Water District**

The Dudley Ridge Water District (DRWD) was organized in 1963 under California Water District Law. DRWD is located in southern Kings County on the western edge of the San Joaquin Valley. DRWD lies south of Kettleman City and is bounded on the northeast by the Tulare Lake Basin Water Storage District, on the south by the Kings-Kern County Line, and on the west by the California Aqueduct. The property within the district is agricultural and of the 37,600 total acres, approximately 17,000 acres are currently in crops. These crops primarily include pistachios, almonds, pomegranates, stone fruit, and grapes. Permanent crops within the district are irrigated with drip or low-volume microsprinkler systems.

DRWD's only water source is surface water supplies as groundwater in the area is generally of poor quality and low yield. In addition to SWP supplies, water has been made available through programs for water stored in off-site groundwater basins and from purchases and transfers from other water contractors. The surface water supply is comprised of an SWP allotment of 50,343 AF, other SWP water as available, and non-project water obtained outside the district and delivered to various banking and exchange programs. In drier years, DRWD's supply is supplemented by banked water retrieved from groundwater storage programs in which the district participates. In wetter years, the supply is typically from surface water sources.

### **Grasslands Water District**

The Grasslands Water District (GWD) is a California Water District formed under Section 34000 of the State Water Code that was established to receive and distribute CVP water. GWD is approximately 51,537 acres in size with the majority of this land in wetland habitat, to which the district delivers CVP water. GWD's primary function is the delivery of water to landowners within its boundaries. The canal system for carrying out this task is approximately 110 miles in length and is operated and maintained by GWD. The area within GWD contains approximately 165 separate ownerships, most of which are hunting or duck clubs. Perpetual easements have been purchased by the USFWS to help preserve wetland-dependant migratory bird habitat on approximately 31,000 acres service by GWD. GWD receives its water in the form of Level 2 and Level 4 supplies.

***Section 3.1.1.1 – Non-Friant Contractors: Page 37, the following text has been removed:***

**East Bear Creek Unit, San Luis National Wildlife Refuge**

The East Bear Creek Unit (EBCU) is located east of the San Joaquin River, in Merced County. The Refuge includes Bear Creek and the San Joaquin River and contains natural grasslands, vernal pools, riparian floodplain habitat, irrigated pasture and small grain production lands.

The majority of water used by the San Luis NWR Complex, prior to the enactment of the CVPIA has been either surplus CVP water or surplus SWP water. EBCU is managed primarily for migratory waterfowl, shorebirds, marsh and water birds and their associated habitat types as well as for Endangered Species Act (ESA) listed species. The CVPIA requires that the Reclamation provide Level 2 and Level 4 water supplies to National Wildlife Refuges to meet the objectives of Public Law 102-575.

**Merced National Wildlife Refuge**

The Merced National Wildlife Refuge (MNWR) encompasses 10,262 acres of wetlands, native grasslands, vernal pools, and riparian areas. It was established in 1951 under the Lea Act to attract wintering waterfowl from adjacent farmland where their foraging was causing crop damage. In addition to managing natural habitats, the MNWR contains approximately 300 acres of cultivated corn and winter wheat crops and over 500 acres of irrigated pasture for wildlife.

MNWR is managed primarily for migratory waterfowl, shorebirds, marsh and water birds and their associated habitat types as well as for Endangered Species Act (ESA) listed species. The CVPIA requires that the Reclamation provide Level 2 and Level 4 water supplies to National Wildlife Refuges to meet the objectives of Public Law 102-575.

***Section 3.1.1.1 – Non-Friant Contractors: Page 38, the following text has been removed:***

**Pixley National Wildlife Refuge**

The Pixley National Wildlife Refuge (PNWR) was established in 1959, and consists of approximately 6,300 acres of grasslands and wetlands. The refuge is located in southwest Tulare County, approximately five miles southwest of the community of Pixley. Portions of the PNWR lie within the historical Tulare Lake Bed.

Approximately 5,040 acres are set aside as habitat for three federally endangered species, the blunt-nosed leopard lizard, the San Joaquin kit fox, and the Tipton kangaroo rat and are also currently used for livestock grazing. In addition to providing habitat for migratory waterfowl, the primary objective of the PNWR is habitat restoration for the endangered lizard. The refuge has no firm surface water supplies. In the past, floodwaters from Deer Creek have been diverted by PID, which provides excess water to a small area within the refuge for groundwater recharge.

The refuge is located in an area of groundwater overdraft with groundwater levels between 100 to 200 feet below the ground surface. Groundwater is currently the only reliable water available to the refuge. The CVPIA requires that the Reclamation provide Level 2 and Level 4 water supplies to National Wildlife Refuges to meet the objectives of Public Law 102-575.

### **Kern National Wildlife Refuge**

Kern National Wildlife Refuge (KNWR) was established on November 18, 1960. KNWR is located 19 miles west of the City of Delano. Approximately 5,000 to 6,500 acres consists of seasonal wetlands, irrigated moist soil units, and riparian habitat. Fall flood-up begins in mid-August and reaches its peak of flooded marsh habitat by January.

MNWR is managed primarily for desert uplands, riparian corridor and wetlands and associated habitat types as well as for Endangered Species Act (ESA) listed species. The CVPIA requires that the Reclamation provide Level 2 and Level 4 water supplies to National Wildlife Refuges to meet the objectives of Public Law 102-575. The refuge was approved to take CVPIA water in 1992, which provided an annual water supply.

### ***Section 3.1.1.5 – Conveyance Facilities: Page 53, Friant Kern Canal, the following text has been added:***

The FKC carries water over 151.8 miles in a southerly direction from Friant Dam to its terminus at the Kern River, four miles west of Bakersfield. The FKC has an initial design capacity of 5,000 cfs that gradually decreases to 2,000 cfs at its terminus in the Kern River (Reclamation, 2010). The water conveyed in the FKC is from the San Joaquin River and ~~is considered to be of good quality because it originates from snow melt from the Sierra Nevada.~~ Water from Millerton Lake delivered to the Friant Contractors via the FKC is representative of water quality conditions at Millerton Lake and in the upper San Joaquin River watershed. Water upstream from Friant Dam is generally soft, with low concentrations of minerals and nutrients because of the insolubility of the watershed's granitic soils and the river's granite substrate. The water is used for municipal and industrial, and agricultural purposes in Fresno, Tulare, and Kern Counties. The FKC is a part of the CVP, which annually delivers about seven million AF of water for agricultural, urban, and wildlife use.

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